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7 DEPARTMENT, and MICHAEL CARONA

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 JEFF BARDZIK,

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13 Plaintiff,

14 vs.
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16 COUNTY OF ORANGE, ORANGE
COUNTY SHERIFF'S
17 DEPARTMENT, MICHAEL
CARONA, DOES 1-10,
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19 Defendant,
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CASE NO. SA CV07-141-JVS(RNBx)

*Assigned for All Purposes to:
Hon. Judge Selna – Crtrm 10C*

**STIPULATION TO CONTINUE
PRETRIAL CONFERENCE AND
TRIAL DATES**

1 **PLEASE TAKE NOTICE** Defendants, by and through their undersigned
2 counsel, and Plaintiff, by and through his undersigned counsel, hereby stipulate and
3 agree subject to the Court's approval, to continue the Pretrial Conference set for
4 April 12, 2012 and the trial set for April 17, 2012 for the following reasons:

5 1. Lead trial counsel for Defendants in the Bardzik matter, Mr. Norman J.
6 Watkins is currently engaged as lead trial counsel in the matter of Guilroy v. County
7 of Orange, Case No.: 30-2008-00212410-CU-CR-CXC before the Honorable Gail
8 Andler, Orange County Superior Court, Complex Division.

9 2. This Court previously continued the Pretrial Conference from April 2,
10 2012 to April 12, 2012 so that Mr. Watkins could be present.

11 3. Since that continuance the parties have been diligently meeting and
12 conferring in an attempt to prepare and lodge the Pretrial Conference Order prior to
13 the April 12, 2012 Pretrial Conference.

14 4. Despite these efforts, they have been unable to complete the Pretrial
15 Conference order for several reasons. Plaintiff has filed a Motion for
16 Reconsideration of this Court's October 26, 2011 order granting summary
17 adjudication of Plaintiff's claims that he was not permitted to interview for a Chief
18 of Police position in retaliation for his exercise of his First Amendment rights. This
19 claim is separate and distinct from Plaintiff's other remaining claims that he suffered
20 retaliation in the form of not being promoted to Captain, not receiving a pay raise,
21 having his performance evaluation changed and having Internal Affairs
22 investigations initiated against him. In particular, Plaintiff's claims regarding the
23 Chief of Police involve different witnesses and different exhibits than his other
24 claims. As such, when the parties began discussing stipulating to exhibits it became
25 clear that the length of the exhibit list and the stipulations that could be reached
26 were dependent on the Court's ruling on the Motion for Reconsideration. It is
27 Defendants' position that numerous exhibits are irrelevant based upon the October
28 26, 2011 order and on the other hand Plaintiff contends that such exhibits are

1 necessary because they will be successful on their Motion for Reconsideration.
2 Accordingly, the Court's ruling on this Motion will clarify the issues for the parties
3 and limit the disputes between the parties for purposes of the Pretrial Conference
4 Order. Similarly, Plaintiff's remaining claims and Defendants' affirmative defenses
5 are dependent upon the Court's ruling on Plaintiff's Motion for Reconsideration, as
6 are the jury instructions to be submitted.

7 5. The Motion for Reconsideration is currently set for hearing on April
8 12, 2012. All parties will be present for that hearing. To limit the disputes between
9 the parties and to avoid having to file a new Pretrial Conference Order after the
10 April 12, 2012 hearing, the parties respectfully request that the Court continue the
11 Pretrial Conference from April 12, 2012 to May 10, 2012.

12 6. This request is also being made not only due to the substantive issues
13 that have occurred in the preparation of the Pretrial Conference Order, but also due
14 to scheduling issues caused by the Guilroy matter commencing twenty days after it
15 was originally scheduled to start on May 5, 2012.

16 7. Because lead trial counsel. Mr. Watkins has been engaged in trial since
17 March 26, 2012 and because his approval is required for all stipulations regarding
18 the exhibits and other matters, it has been difficult to schedule meetings to finalize
19 the Pretrial Conference Order.

20 8. Additionally, while Guilroy began on March 26, 2012, because there
21 are twelve plaintiffs and it has been determined to be a Complex case pursuant to
22 Orange County Superior Court rules, the trial estimate is four to eight weeks. Given
23 the proposed length of the trial the jurors needed to be pre screened and jury
24 selection was only completed last week. Counsel did not give their opening
25 statements until the morning of April 2, 2012 and Plaintiffs are only now beginning
26 the presentation of their case. The trial schedule is Monday through Wednesday.
27 Based on this schedule, the Guilroy Court has estimated that the trial may continue
28 through the end of May. At minimum, Mr. Watkins will still be engaged on April

1 17, 2012, the date this matter is currently scheduled to start trial.

2 9. The parties therefore request that the trial be continued to June given
3 the current status of the Guilroy matter.

4 The parties therefore request that the Pretrial Conference set for April 12,
5 2012 at 3:00 p.m. be rescheduled to May 10, 2012 and that the trial be continued to
6 a date in June of 2012 that is convenient for the Court.

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8 DATED: April 2, 2012

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10 By: /S/ SHANNON L. GUSTAFSON
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14 ORANGE COUNTY SHERIFF'S
DEPARTMENT, and MICHAEL
CARONA

15 DATED: April 2, 2012

HADSDELL, STORMER, KEENEY,
RICHARDSON & RENICK

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18 By: /S/ RANDY R. RENICK
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